

# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

## PCT

### RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire <b>BELLER CAS 8</b>	<b>POUR SUITE À DONNER</b> Voir le point 4 ci-dessous	
Demande internationale no. <b>PCT/FR2004/003365</b>	Date du dépôt international ( <i>jour/mois/année</i> ) <b>23 December 2004 (23.12.2004)</b>	Date de priorité ( <i>jour/mois/année</i> ) <b>24 December 2003 (24.12.2003)</b>
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant <b>BELLER, Isi</b>		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- |                                     |               |   |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I    | Base de l'opinion   |
| <input type="checkbox"/>            | Cadre n° II   | Priorité  |
| <input type="checkbox"/>            | Cadre n° III  | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle  |
| <input type="checkbox"/>            | Cadre n° IV   | Absence d'unité de l'invention  |
| <input checked="" type="checkbox"/> | Cadre n° V    | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/>            | Cadre n° VI   | Certains documents cités  |
| <input checked="" type="checkbox"/> | Cadre n° VII  | Certaines irrégularités relevées dans la demande internationale   |
| <input checked="" type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale  |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport <b>29 August 2006 (29.08.2006)</b>	
Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Fonctionnaire autorisé  <b>Athina Nickitas-Etienne</b> e-mail: pt04@wipo.int

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference

**BELLER CAS 8**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/FR2004/003365**

International filing date (day/month/year)

**23.12.2004**

Priority date (day/month/year)

**24.12.2003**

International Patent Classification (IPC) or both national classification and IPC

**G09B21/00, G09B19/04**

Applicant

**BELLER, Isi**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

BEST AVAILABLE COPY

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. V Reasoned statement under Rule 43bis1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-9	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-9	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 5 573 403 A (BELLER ISI *ET AL*) 12 November  
1996 (1996-11-12)

D2: US 6 629 844 B1 (JENKINS WILLIAM M *ET AL*)  
7 October 2003 (2003-10-07)

2 The present application fails to comply with the  
requirements of PCT Article 33(1) since the subject  
matter of claim 1 does not involve an inventive step  
as defined in PCT Article 33(3).

2.1 Document D1, which is regarded as the prior art  
closest to the subject matter of claim 1, describes  
(see the document in its entirety) an audiofrequency  
analogue converter apparatus for the auditory  
treatment of audio-phonatory disorders exhibited by  
certain subjects, as a general rule by young  
children.

The subject matter of claim 1 differs from the  
teachings of D1 in that the treatment of the signal  
is performed digitally also making use of the  
envelope of the input signal to determine the

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

modifications to be made to the signal.

The problem that the present invention is intended to solve can thus be considered to be how to adapt the known analogue system of D1 to a digital signal treatment.

The solution to this problem, as proposed in claim 1 of the present application, is not considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

- the switch from an analogue appliance to a digital treatment is standard in the field of audio and video signal treatment,
- the algorithm for treating the input signal based on the envelope of the signal is also known, cf. D2 (abstract, figures 6, 32, 33, paragraphs 243-283), used in the same aim of treating subjects suffering from audio-phonatory disorders.

Therefore the features described in documents D1 and D2 would be combined by the person skilled in the art, without evidencing proof of inventiveness, to solve the problem posed. The solution proposed in independent claim 1 may not therefore be considered to involve an inventive step (PCT Article 33(3)).

- 3 Claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step (PCT Article

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

33(2) and (3)); these features are known from  
documents D1-2.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. VII      Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Contrary to the requirements of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in document D2 is not mentioned in the description, nor is this document identified therein.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003365

Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 1 is not clear and fails to comply with the requirements of PCT Article 6 insofar as the subject matter for which protection is sought has not been clearly defined. Such as it has been specified, the functional definitions below will not allow the person skilled in the art to determine which are the technical features necessary for the effecting of the functions:

- establish a third sequence of digital values, bounded, on the basis of the second digital sequence;
- establish a sequence of values of emission frequencies modulated according to the values of the third sequence of digital values.